

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

In reply to the examiner's restriction requirement, Applicants provisionally elects, with traverse, claims 1-5 and 12-23 for prosecution.

As a result, applicant respectfully request the examiner reconsider and withdraw the present restriction requirement, based on the reasoning set forth above.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (MPEP 302).

With respect to claims 6-11, applicant submits that a search and examination of an entire application can be made without serious burden considering the common subject matter and common claim limitations included in the claims sets of 1-5 and 12-23, and claims 6-11. Specifically, the claims sets of 1-5, 6-11 and 12-23 include the common limitation, or limitation similar thereto, of controlling a power state of a subsystem based on receiving a message.

As a result, Applicants respectfully request the examiner reconsider and withdraw the present restriction requirement, based on the reasoning set forth above.

Applicant provisionally elects, with traverse, claims 1-7 and 13-18 for prosecution.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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